

REMARKS/ARGUMENTS

In response to the Office Action dated May 14, 2003, claims 1, 4, 9, 10, 11, 13, 14 and 15 are amended. Claims 1-16 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-3, 15 and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In support of this position, the Examiner identifies several phrases that are deemed to lack clear antecedent basis. By this response, each of the noted points of indefiniteness has been appropriately addressed. Specifically, the non-sequiturs of claims 1 and 15 eliminated, which remedies the non-sequiturs of claims 2, 3 and 16.

Regarding claim 15, “the number corresponding to the image data” has the meaning of an actual value of image data, and is different from “predetermined number of bits” and “maximum gradient”.

Additional amendments are made to claims 4, 9, 10, 11, 13, 14 and 15 to provide consistency and correct minor informalities.

In view of the above, it is respectfully urged that the rejection be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 1-3 and 11-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fujita et al. (USPN 5,872,587; hereinafter Fujita).

The rejection of claims 1-3 is respectfully traversed, claim 11 be amended to clearly distinguish over Fujita.

Claim 1 recites, *inter alia*:

said driver can modulate each optical shutter element at a gradient corresponding to a predetermined number of bits, so as to drive the optical shutter element at a gradient exceeding a maximum gradient at said predetermined number of bits **without turning OFF the optical shutter element when driving one line**. (Emphasis added)

The description concerning the recitation “**without turning OFF the optical shutter element when driving one line**” can be found from page 8, line 23 to page 9, line 14. In contrast, Fujita turns OFF the optical shutter element constantly six times per one picture element printing time as evinced on the attached drawing from Fujita. Thus, independent claim 1, as well as claims 2 and 3 depending from claim 1, are patentable over Fujita.

To expedite prosecution, claim 11 is amended to delineate also “driving said electro-optic elements at a gradient exceeding a maximum gradient corresponding to the predetermined number of bits without turning OFF the electro-optic elements when driving one line”. Thus, amended independent claim 11, and claims 12-14 depending from amended claim 11, are patentable of Fujita.

II. Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujita, as applied to claim 11, in view of Pederson et al. (USPN 3,938, 144; hereinafter, Pederson).

However, as amended claim 11 is patentable over Fujita and Pederson, claim 15 depending from amended claim 11 is patentable over Fujita and Pederson also.

CONCLUSION

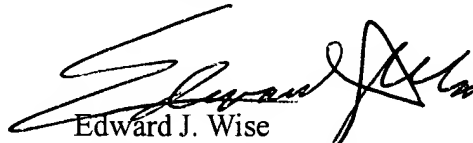
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

Accordingly, it is urged that the application, as now amended, overcomes the rejection of record and is in condition for allowance. Entry of the amendment and favorable reconsideration of this application, as amended, are respectfully requested. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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